

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



April 27, 2004

RESOLUTION ST-70  
Commission Meeting May 27, 2004

TO: BAY AREA RAPID TRANSIT DISTRICT

Enclosed is draft Resolution Number ST-70 of the Consumer Protection and Safety Division. It will be on the agenda at the next Commission meeting, which is held at least 20 days after the date of this letter. The Commission may then vote on this Resolution or it may postpone a vote until later.

When the Commission votes on a draft Resolution, it may adopt all or part of it as written, amend, modify or set it aside and prepare a different Resolution. Only when the Commission acts does the Resolution become binding on the parties.

Parties may submit comments on the draft Resolution. An original and two copies of the comments, with a certificate of service, should be submitted to:

Robert Strauss  
Consumer Protection and Safety Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

Any comments on the draft Resolution must be received by May 14, 2004. Late submitted comments will not be considered. Those submitting comments must serve a copy of their comments on all Commissioners, and the Director of the Consumer Protection and Safety Division, on the same date that the comments are submitted to the Consumer Protection and Safety Division.

Comments shall be limited to five pages in length plus a subject index listing the recommended changes to the draft Resolution, a table of authorities and an appendix setting forth the proposed findings and ordering paragraphs.

Comments shall focus on factual, legal or technical errors in the proposed draft Resolution.

/s/ ROBERT STRAUSS  
Robert Strauss, Supervisor  
Rail Transit Safety Section  
Consumer Protection and Safety Division

Enclosure: Service List  
Certificate of Service

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Consumer Protection and Safety Division  
Rail Transit Safety Section

Resolution ST-70  
May 27, 2004

**RESOLUTION****RESOLUTION ST-70 GRANTING APPROVAL OF A REPORT ON THE  
2003 SAFETY AUDIT OF THE SAN FRANCISCO BAY AREA RAPID  
TRANSIT DISTRICT****Summary**

This resolution approves the Consumer Protection and Safety Division's (CPSD) Rail Transit Safety Section final audit report titled, "Triennial On-Site Safety Audit of Bay Area Rapid Transit," dated April 15, 2004. The Bay Area Rapid Transit District (BART) is ordered to implement the recommendations contained in the report and to provide quarterly progress reports to the Rail Transit Safety Section.

**Background**

Commission General Order No. 164-C, "Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems" and Federal Transit Administration (FTA) Final Rule 49 CFR, Part 659, "State Safety Oversight of Rail Fixed Guideway Systems" require the Commission, as the designated state safety oversight agency for California, to conduct on-site safety reviews of transit agencies operating rail fixed guideway systems at least once every three years. Following the completion of each review, the Commission is required to issue a report containing its findings and recommendations. This report must also contain a determination of whether or not the transit agency's system safety program plan should be updated.

Staff of the Rail Transit Safety Section conducted an on-site safety audit of BART and its safety program beginning October 2 and concluding October 10, 2003. Staff conducted a post-audit exit conference with BART management on Friday October 10, 2003.

The methods used to conduct the audit included:

- a. Interviews with BART employees at all levels from rank and file through senior executives;
- b. Reviews of design, construction, procurement, testing, training, operation and maintenance programs;
- c. Reviews of records and procedures;
- d. Observation of operations and maintenance activities and;
- e. Inspections of equipment and facilities;

A full description of the audit, including the scope, results, and recommendations, is contained in the final audit report, which is attached to this resolution as Attachment A.

The results of the audit show that BART is in substantial compliance with its System Safety Program. However, some program deficiencies were identified during the audit. These deficiencies, along with recommendations for corrective actions, are described, where applicable, in the Activities/Findings/Comments section of each checklist and in the Findings and Recommendations section contained in the body of the final report. A complete listing of recommendations for the correction of each identified deficiency is contained in the report's Appendix E.

### **Protests**

Staff provided a preliminary report of the audit to BART for a 30-day review and comment period on March 5, 2004. On April 8, 2004, Staff met with BART's Safety Department, who accepted staff's twenty-two recommendations identified on the draft audit report.

### **Discussion**

Attachment A, the final report concerning the "Triennial On-Site Safety Audit of Bay Area Rapid Transit," dated March 5, 2004, is based on staff's findings and includes staff's recommendations that were discussed with BART for appropriate corrective actions.

BART has stated to staff that it is working to develop corrective action plans for the deficiencies identified in the report and has initiated actions

on some plans. BART will provide regular quarterly updates concerning the status of its corrective actions until they are completed.

CPSD recommends that the Commission approve the Rail Transit Safety Section's final audit report titled, "Triennial On-Site Safety Audit of Bay Area Rapid Transit," dated April 16, 2004. CPSD also recommends that the Commission order BART to:

- Submit a report to the Rail Transit Safety Section, which includes the status of the corrective actions for safety program deficiencies identified during the audit;
- Submit plans and schedules for implementing or completing the recommended corrective actions contained in the report;
- Implement the recommendations in accordance with the plans and schedules submitted, and;
- Provide the Rail Transit Safety Section with quarterly reports on the status of the corrective actions until they are completed and implemented.

### **Comments**

Public Utilities Code section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission.

Resolution ST-70 was mailed to the Bay Area Rapid Transit District on April 27, 2004.

### **Therefore, IT IS ORDERED that:**

1. The Consumer Protection and Safety Division's request for approval of the Rail Transit Safety Section's final audit report titled, "Triennial On-Site Safety Audit of Bay Area Rapid Transit," dated April 15, 2004, is granted.
2. BART shall submit to the Rail Transit Safety Section, plans and schedules for implementing all recommended corrective actions contained in the final audit report. Those plans and schedules shall be

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submitted no later than 45 days from the effective date of this resolution.

3. BART shall complete and implement all recommended corrective actions contained in the report, in accordance with plans and schedules submitted to the Rail Transit Safety Section.
4. BART shall prepare and provide quarterly status reports beginning on July 15, 2004 to the Rail Transit Safety Section. The reports shall contain detailed information on the implementation of all remaining recommended corrective actions contained in the final audit report. Quarterly status reports shall continue to be provided until all recommended corrective actions are completed and implemented.
5. This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting held on May 6, 2004. The following Commissioners voting favorably thereon:

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WILLIAM AHERN  
Executive Director